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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,751	06/21/2001	Anthony J. Baerlocher	401961	6700

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EXAMINER	
CAPRON, AARON J	
ART UNIT	**PAPER NUMBER**
3714	12

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/886,751	BAERLOCHER ET AL.	
	Examiner	Art Unit	
	Aaron J. Capron	3714	

-- Th MAILING DATE of this communication appears on the cover sh t with th correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 13-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 13-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

This is a response to the Amendment received on November 10, 2003, in which claims 1, 13 and 15 were amended. Claims 1-7 and 13-18 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al. (U.S. Patent No. 6,004,208; hereafter "Takemoto") in view of Okada (U.S. Patent No. 4,889,339), Lowden (U.S. Patent No. 5,630,586) and Heidel (U.S. Patent No. 5,342,047).

Referring to claim 13, Takemoto discloses a method of playing a game comprising the steps of providing a payline display having a plurality of display segments being a predetermined number of indicia (Figure 26A-27D); providing a player a plurality of stop buttons (game stop switches 109); enabling the player stop button for a first time; depressing the button to cause at least some of the display segments to spin, wherein one or more, but not all, of the plurality of display segments stop spinning after the enabled the button is depressed for the first time; enabling the second stop button for a second time; and depressing the enabled button for the second time to cause some of the display segments to stop spinning (Figures 9-10 and 5:53-58:some of the reels may stop due to a predetermined time lapse while other reels can still be

stopped using the stop button), but does not disclose that a single stop button may exist to stop all of the spinning reels. However, Okada discloses the use of a player manipulated single stop button every time it is desired to stop a plurality of moving symbols columns one after the other (abstract) in order to lower the cost of manufacturing (1:30-42). One would be motivated to provide Takemoto with only a single stop button in order to lower the cost of manufacturing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate only one stop button into the device of Takemoto in order to lower the cost of manufacturing. Takemoto and Okada do not disclose having a dealer to provide the step of enabling the buttons. However, Lowden discloses a method of playing a gaming machine at a table game apparatus wherein the player can bet on a dealer enabled player selected spin at the game in order to win prizes wherein the dealer performs the steps of enabling the player to push use the buttons a plurality of times (4:61-65). One would be motivated to combine the references since Lowden discloses combining a gaming machine into a table type setting where a plurality of players can play the game together and this would allow the players to control the multiple spinning reels on the table. This form of a table game would attract players who normally would not play a slot machine type game and would attract players who would not normally play a table game (1:65-2:4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the gaming table feature of Lowden's into the gaming system of Takemoto and Okada in order to allow players to play the game together and therefore generate more interest in the game. Takemoto in view of Okada and Lowden discloses a game that has a separate start and stop button at each player terminal, but do not disclose having one single start/stop button. However, Heidel

discloses that a single button can have multiple functions (Figure 1, items 32A-E). One would be motivated to combine the references in order to save manufacturing costs by only having one button instead of a multiple of buttons (Okada 1:30-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Heidel's having one single button having multiple functions into the gaming device of Takemoto, Okada and Lowden's in order to save on manufacturing costs.

Referring to claim 14, Takemoto in view of Okada, Lowden and Heidel disclose the step of providing additional spin/stop buttons at different stations on the table top, and enabling different spin/stop buttons during different rounds of play, the spin/stop buttons alternately controlling the same plurality of display segments (4:38-47 and 4:61-65)

Referring to claims 2 and 4, Takemoto in view of Okada, Lowden and Heidel disclose the player providing a wager prior to starting the game (Lowden abstract).

Claims 1, 3, 5-7 and 18 correspond in scope to a method set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 15-17 correspond in scope to a method of playing a casino game set forth for use of the method of playing a game listed in the claims above and are encompassed by use as set forth in the rejection above.

Response to Arguments

Applicant's arguments filed November 10, 2003 have been fully considered but they are not persuasive.

First, the invention comprising a spin/stop button does not preclude multiple buttons accomplishing the function of spin and stop, as broadly claimed, at least due to comprising not being so limiting as to only a button, as asserted on page 8-9 of remarks. Therefore, the claimed invention fails to preclude the device of Takemoto, Okada, Lowden and Heidel.

Second, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., without any further intervention by a player) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Takemoto teaches without player intervention (5:55-58). Therefore, the claimed invention fails to preclude the device of Takemoto, Okada, Lowden and Heidel.

Third, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. one or more spinning buttons, a number different from the original number of buttons) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the claimed invention fails to preclude the device of Takemoto, Okada, Lowden and Heidel.

Fourth, there is no temporal distinction between the depressing of the spin/stop button the first time and the second time so as to preclude the combined teaching of Takemoto, Okada, Lowden and Heidel.

Applicants argue that Takemoto, Okada, Lowden or Heidel individually do not teach a combination of a button that starts spinning and specifically stop the spinning of the spinning display segments. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Takemoto provides a separate start switch and a plurality of game stop switches. Okada provides a single stop button that is manipulated by a player to stop a plurality of moving symbols. The combination of Takemoto and Okada provides a gaming machine having a single start switch to initiate the reels and a single stop switch to stop each reel each time the stop switch is selected. Lowden provides a gaming table having slot machine reels, wherein each player position has a spin button. The combination of Takemoto, Okada and Lowden provides a gaming table having a slot machine reel, wherein each player has a spin button to initiate the reels and a single stop button to stop each reel each time the stop button is selected. Heidel provides a gaming machine that provides a button having multiple functionalities within a same game, such as (Figure 1: Deal/Draw item 42 and/or Hold/Cancel, items 32a-e that allows a player to hold a card or cancel holding the card in the same game). The combination of Takemoto, Okada, Lowden and Heidel provides a gaming table having slot machine reels, wherein each player has a combination of a spin/stop button to both initiate the reels and to stop each reel each time the combination spin/stop button is selected. Therefore, the claimed invention fails to preclude the device of Takemoto, Okada, Lowden and Heidel.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

MARK SAGER
PRIMARY EXAMINER

ajc